

RECLAMATION


Managing Water in the West

Categorical Exclusion Checklist

Modification of the Grassland Bypass Project 2009 Use Agreement to Correct the Boundary of the Grasslands Drainage Area

CEC-15-029

Prepared by:


Rain L. Emerson
Supervisory Natural Resources Specialist
South-Central California Area Office

Date: 05/20/2015

Concurred by:

See Attachment A
Archaeologist/Architectural Historian
Mid-Pacific Regional Office


Date: See Attachment A

Concurred by:

See Attachment B
Native American Affairs Specialist
Mid-Pacific Regional Office


Date: See Attachment B

Concurred by:


Shauna McDonald
Wildlife Biologist
South-Central California Area Office

Date: 5/20/15

Approved by:


Michael Jackson
Area Manager
South-Central California Area Office

Date: 5/20/15



Background

The Grassland Bypass Project (GBP) was designed to improve water quality in more than 93 miles of wetlands, water supply channels and the lower San Joaquin River. Since October 1996, the GBP has consolidated regional subsurface drainage flows from the Grassland Drainage Area (GDA) utilizing a portion of the federal San Luis Drain to convey those flows around the wildlife habitat areas to the San Joaquin River. The control and reduction of GDA drainage water has significantly improved water quality in the Grasslands wetlands water supply channels and the lower San Joaquin River.

The GBP is implemented through an agreement between the Bureau of Reclamation (Reclamation) and the San Luis & Delta-Mendota Water Authority (Authority) for use of a portion of the San Luis Drain, and is regulated by 2001 Waste Discharge Requirements (WDR) issued by the Central Valley Regional Water Quality Control Board (Water Board). The Water Board will be revising the WDR in mid-2015. A third use agreement (Agreement No. 10-WC-20-3975) was executed on December 22, 2009 (2009 Use Agreement). The 2009 Use Agreement allows the GBP to continue through December 31, 2019, based on an Environmental Impact Statement/Environmental Impact Report and a Record of Decision was completed on December 21, 2009, and a Biological Opinion issued by the U.S. Fish & Wildlife Service, dated December 18, 2009.

The GDA encompasses approximately 97,000 acres of farmland in central California between the town of Los Banos, the San Joaquin River, and the Interstate 5 highway. The GDA includes Broadview Water District, Camp 13 Drainage District, Charleston Drainage District, Firebaugh Canal Water District, Pacheco Water District, Panoche Drainage District, and lands not incorporated into any district. The boundary of the GDA is described in Appendix A of the 2009 Use Agreement.

In April 2015, the Authority reported a mapping error in the 2009 Use Agreement. That error included 570 acres of irrigated farm land near Firebaugh, California that has never contributed drainage water to the GBP (see Figure 1, Detail B). Simultaneously, 644 acres of irrigated farm land near Mendota, California that has contributed drainage water to the GDA was inadvertently not identified in the area within the GDA (see Figure 1, Detail A).

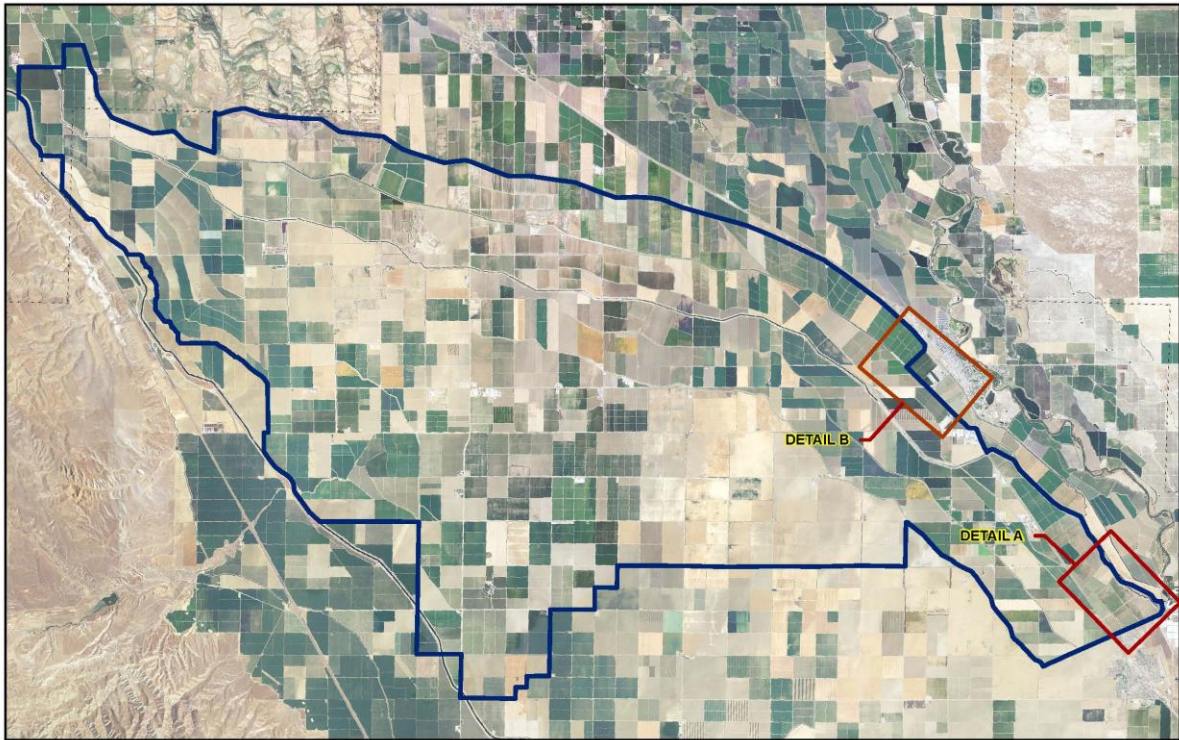


Figure 1 Sections Identified in Appendix A of the 2009 Use Agreement that needs Correction

Nature of the Action

Reclamation will amend Appendix A of the 2009 Use Agreement with revised legal descriptions and maps in order to correct the boundary of the GDA as follows:

1. The annexation of 644 acres of irrigated farm land near Mendota, California, that has contributed drainage water to the GDA (see Figure 2).
2. The detachment of 570 acres of irrigated farm land near Firebaugh, California, that has never contributed drainage water to the GDA (see Figure 3).

The amendment will increase the GDA by 74 acres; however, the actual amounts of drainage water collected for the GBP and analyzed in the Environmental Impact Statement/Environmental Impact Report would be unchanged.

The amendment is administrative in nature and would not change any terms or conditions in the 2009 Use Agreement, 2009 Biological Opinion, and 2001 WDR. This amendment will not involve any new construction or land use changes.

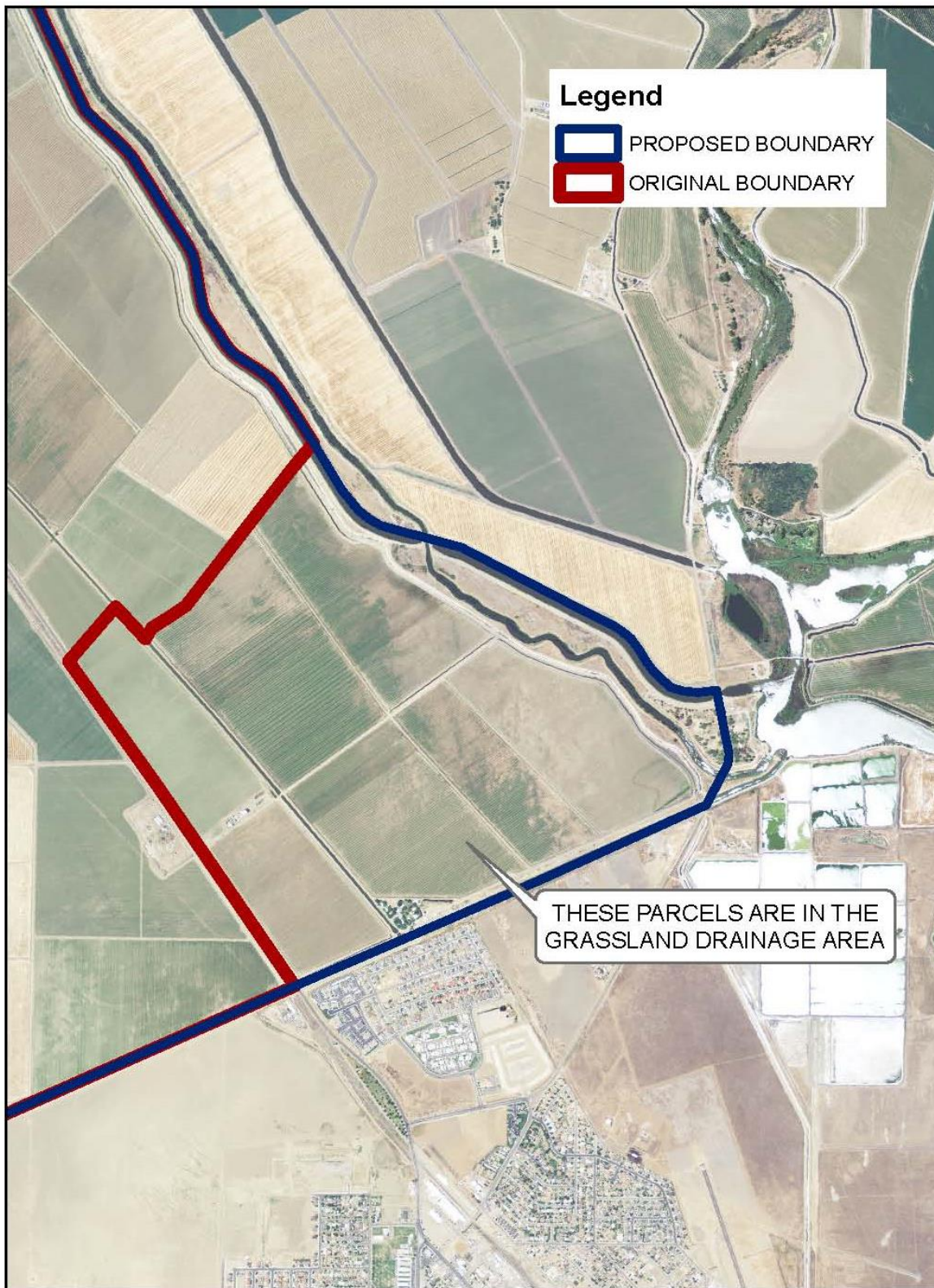


Figure 2 Area to be Annexed into the GDA (Close-up of Detail A in Figure 1)

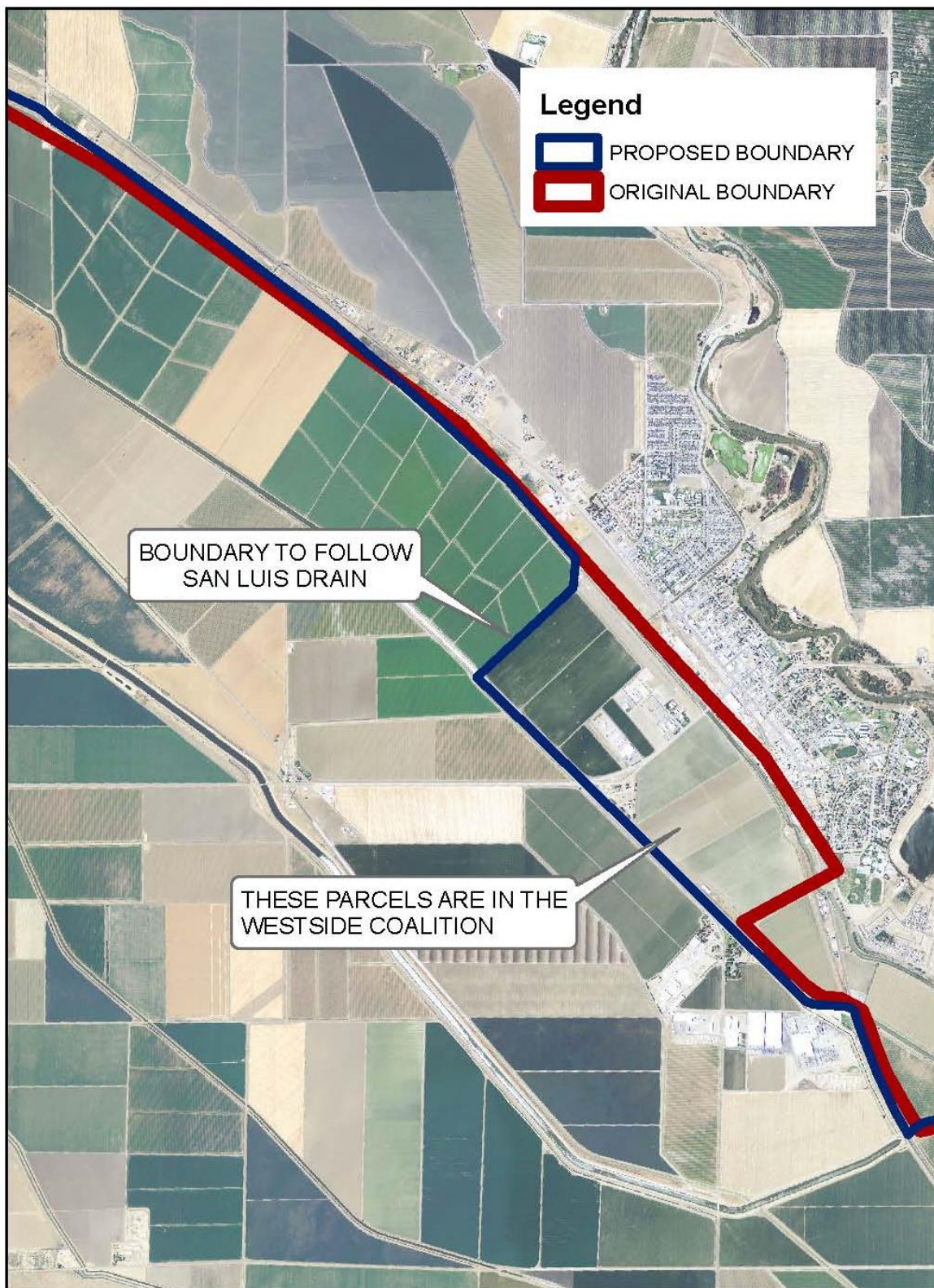


Figure 3 Area to be Detached from the GDA (Close-up of Detail B in Figure 1)

Exclusion Category

516 DM 14.5 D (3). *Administration and implementation of project repayment and water service contracts, including approval of organizational or other administrative changes in contracting entities brought about by inclusion or exclusion of lands in these contracts.*

Evaluation of Criteria for Categorical Exclusion

- | | | | |
|---|---|---------------------------------------|---------------------------------|
| 1. This action would have a significant effect on the quality of the human environment (40 CFR 1502.3). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 2. This action would have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA Section 102(2)(E) and 43 CFR 46.215(c)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 3. This action would have significant impacts on public health or safety (43 CFR 46.215(a)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 4. This action would have significant impacts on such natural resources and unique geographical characteristics as historic or cultural resources; parks, recreation, and refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); flood plains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas (43 CFR 46.215 (b)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 5. This action would have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks (43 CFR 46.215(d)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 6. This action would establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects (43 CFR 46.215 (e)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 7. This action would have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects (43 CFR 46.215 (f)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |

- | | | | |
|--|---|---------------------------------------|---------------------------------|
| 8. This action would have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by Reclamation (LND 02-01) (43 CFR 46.215 (g)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 9. This action would have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species (43 CFR 46.215 (h)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 10. This action would violate a Federal, tribal, State, or local law or requirement imposed for protection of the environment (43 CFR 46.215 (i)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 11. This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 12. This action would have a disproportionately high and adverse effect on low income or minority populations (EO 12898) (43 CFR 46.215 (j)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 13. This action would limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007, 43 CFR 46.215 (k), and 512 DM 3)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 14. This action would contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act, EO 13112, and 43 CFR 46.215 (l)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |

NEPA Action: Categorical Exclusion

The Proposed Action is covered by the exclusion category and no extraordinary circumstances exist. The Action is excluded from further documentation in an EA or EIS.

Attachment A: Cultural Resources Determination

CULTURAL RESOURCES COMPLIANCE
Mid-Pacific Region
Division of Environmental Affairs
Cultural Resources Branch (MP-153)

MP-153 Tracking Number: 15-SCAO-137

Project Name: Modification of the Grassland Bypass Project (GBP) 2009 Use Agreement to correct the boundary of the Grasslands Drainage Area (GDA)

NEPA Document: EA-15-029

NEPA Contact: Rain Emerson, Supervisory Natural Resources Specialist

MP-153 Cultural Resources Reviewer: BranDee Bruce, Architectural Historian

Date: May 6, 2015

Reclamation proposes to amend Appendix A of the 2009 GBP Use Agreement [previously analyzed under a 2009 Environmental Impact Statement (EIS)/Environmental Impact Report (EIR)] with revised legal descriptions and maps in order to correct the GDA as follows: to annex 644 acres of irrigation farm land near Mendota, California that has been contributing subsurface drainage water to the GDA; and to detach 570 acres of irrigated farmland near Firebaugh, California that has never contributed to subsurface drainage water to the GDA. The amendment will increase the GDA by 74 acres, however the actual amounts of drainage water collected and analyzed in the 2009 EIR/EIS will remain the same. No new construction will occur, nor will any untilled or new lands be put into production as a result of the proposed action.

Reclamation has determined that the amendment of Appendix A of the 2009 GBP Use Agreement to modify the boundaries of the GDA is the type of activity that does not have the potential to cause effects on historic properties pursuant to 36 CFR § 800.3(a)(1). Therefore, Reclamation has no further obligations under Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108). The proposed action would result in no impacts to cultural resources.

This document conveys the completion of the cultural resources review and NHPA Section 106 process for this undertaking. Please retain a copy with the administrative record for this action. Should the proposed action change, additional review under Section 106, possibly including consultation with the State Historic Preservation Officer, may be required.

Attachment B: Indian Trust Assets Determination



Emerson, Rain <remerson@usbr.gov>

Re: ITA Determination Request (CEC-15-029) - Need to Expedite

STEVENSON, RICHARD <rstevenson@usbr.gov>

Tue, May 5, 2015 at 3:32 PM

To: "Emerson, Rain" <remerson@usbr.gov>

Rain,

Attached you will find a map which shows that there are no Indian Trust Assets within close proximity to the areas described in CEC-15-029. After examining the project description and looking at the map I have determined that there are no Indian Trust Assets closer than 40 miles from the project location. There is no potential impact to Indian Trust Assets due to this project. See attached map.

Richard Stevenson
Deputy Regional Resources Manager

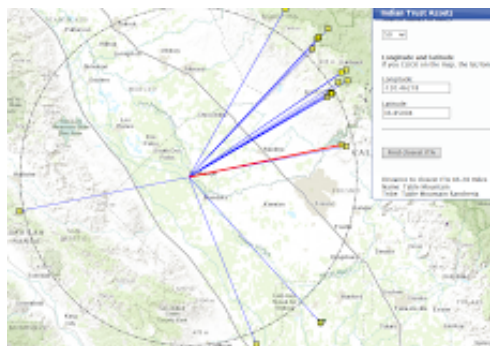
On Tue, May 5, 2015 at 2:36 PM, Emerson, Rain <remerson@usbr.gov> wrote:

Dick,

Attached is a determination request for your review. This project is needed right away. Please expedite. Thank you.

Rain L. Emerson, M.S.
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Mendota-Firebaugh.PNG
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